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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,953	03/19/2004	Paul C. Blank	11453.00	8082

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,953

Applicant(s)

BLANK ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn.

New Rejections

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 8, 15, 17 – 19, 22 – 25, 28 and 29 rejected under 35 U.S.C. 102(b) as being anticipated by Miles et al. (USPN 6,352,751).

Miles et al. disclose a label roll (Column 2, lines 59 – 60) comprising an imperforate and continuous web (Column 2, lines 60 – 63) having a front surface and an opposite back surface wound longitudinally along a running axis (Figure 5, #26) in a roll (Figure 10), said back surface including a plurality of non continuous adhesive patches (Column 5, lines 41 – 42) aligned in a column along a running axis of said web in a minor area of said back surface with the remaining area of said back surface being devoid of adhesive (Column 2, lines 63 – 66; Column 5, lines 10 – 14) and including adhesive-free spaces transversely bridging said web longitudinally between said adhesive patches (Column 5, lines 10 – 14; lines 39 – 44) and said front surface including a

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release strip extending along said running axis behind said column of adhesive patches and laminated to said patches in successive layers in said roll (Column 6, lines 41 – 47) in claims 1, 3 and 19. With regard to claims 2, 4 – 7, 23 and 24, the patches are aligned along said one edge of said web, being closer thereto than to an opposite edge of said web, having straight edges aligned parallel and transversely with said running axis forming a rectangular shaped area which elongate with said running axis (Column 12, lines 13 – 24). The web further includes corresponding index marks between adjacent patches to define corresponding labels, each label having a single adhesive patch (Column 12, lines 40 – 45) as in claims 8, 15 and 25. With regard to claims 17, 18, 22 and 29, the release strip is narrow to conform in width with said column of adhesive patches thereby leaving the remainder of the web front side devoid and is made from a silicone coating (Column 6, lines 41 – 47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9 – 16, 20, 21, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al. in view of Mertens et al.

Miles et al. disclose a label roll (Column 2, lines 59 – 60) comprising a imperforate and

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continuous web (Column 2, lines 60 – 63) having a front surface and an opposite back surface wound longitudinally along a running axis (Figure 5, #26) in a roll (Figure 10), said back surface including a plurality of non continuous adhesive patches (Column 5, lines 41 – 42) aligned in a column along a running axis of said web in a minor area of said back surface with the remaining area of said back surface being devoid of adhesive (Column 2, lines 63 – 66; Column 5, lines 10 – 14) and including adhesive-free spaces transversely bridging said web longitudinally between said adhesive patches, wherein the labels have a plurality of adhesive dots (Column 5, lines 10 – 14; lines 39 – 44) and said front surface including a release strip extending along said running axis behind said column of adhesive patches and laminated to said patches in successive layers in said roll (Column 6, lines 41 – 47). However, Miles et al. fail to disclose the patches being elongate transverse to said running axis, devoid of index marks between said patches, the patches have arcuate edges extending transversely with said running axis, convex leading edges with convex trailing edges connected by straight edges, ovals with major axes disposed parallel to the running axis, corresponding index marks between adjacent patches to define corresponding labels, each label having a single adhesive patch, the release strip fully covers the front side of the web and the web is devoid of index marks between patches.

Mertens et al. teach a label roll (Column 3, lines 59 – 60) comprising an imperforate and continuous web (Column 3, lines 44 – 49; Figure 5, #80) having a front surface and an opposite back surface wound in a roll (Figure 5, #80), said back surface including a plurality of adhesive patches aligned in a column along a running axis of said web in a minor area of said back surface with the remaining area of said back surface being devoid of adhesive (Column 4,

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lines 11 – 17; Figure 7, #94a and 94b), wherein the patches are arranged elongate transverse to the running axis (Column 8, lines 5 – 21) and have arcuate edges, convex leading edges with convex trailing edges connected by straight edges, ovals with major axes disposed parallel to the running axis (Column 8, lines 5 – 21), wherein a release strip fully covers the front side of the web (Column 7, lines 65 – 67) for the purpose of forming a repositionable not sheet with a plurality of identical rolls of printed sheet material from a continuous web of sheet material (Column 3, lines 40 – 44).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the different arrangements and shapes of adhesive in Miles et al. in order to form a repositionable not sheet with a plurality of identical rolls of printed sheet material from a continuous web of sheet material as taught by Mertens et al. since both Miles et al. and Mertens et al. are directed towards repositionable sheets.

Response to Arguments

6. Applicant's arguments with respect to claims 1 – 16, 18 – 21, 23 – 28 and 30 as rejected by Mertens et al. have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments with respect to claims 1 – 8, 15, 17 – 19, 22 – 25, 28 and 29 as rejected by Miles et al. have been considered but are moot in view of the new ground(s) of rejection. However, since the prior art is being applied in the above rejection, the arguments will be responded to below.

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In response to Applicant's argument that the Miles et al. reference describes, but does not illustrate, "only corners", a "pattern" and continuous band or stripe configurations of adhesive, which clearly lack any similarity to the columnar patches recited in all the claims, this is not deemed persuasive since the reference is not limited to the examples alone for disclosure. See MPEP 2123. Miles et al. disclose adhesive-free spaces transversely bridging said web longitudinally between said adhesive patches, wherein the labels have a plurality of adhesive dots (Column 5, lines 10 – 14; lines 39 – 44).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-

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1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/27/06